

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEAN JOHN, *individually and on
behalf of all others similarly situated*,

Plaintiff,

-v-

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

15 Civ. 5838 (PAE)

ORDER

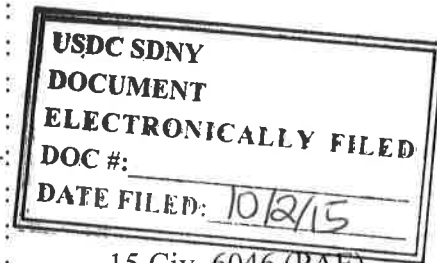
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JOSEPH BASSOLINO, *individually and on
behalf of all others similarly situated*,

Plaintiff,

-v-

WHOLE FOODS MARKET GROUP, INC.,

Defendant.



15 Civ. 6046 (PAE)

ORDER

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PAUL A. ENGELMAYER, District Judge:

This order resolves a number of issues raised in recent letters to the Court regarding plaintiff Joseph Bassolino's motion to remand in the *Bassolino* action and defendant's motions to dismiss filed in both related cases.

The Court first recaps the procedural history of the two related cases. On July 24, 2015, the complaint in the *John* action was filed, 15 Civ. 5838, Dkt. 1, and on July 2, 2015, that action was assigned to my docket. On July 31, 2015, the *Bassolino* action was removed from the Supreme Court of the State of New York and assigned to the docket of the Hon. Paul G.

Gardephe. 15 Civ. 6046, Dkt. 1. On August 13, 2015, defendant Whole Foods Market Group, Inc. (“Whole Foods”) filed a statement of relatedness in the *Bassolino* action, arguing that that action was related to the *John* action. *Id.*, Dkt. 7. On August 21, 2015, the *Bassolino* action was accepted as related, and reassigned to my docket.

On August 28, 2015, Bassolino filed a motion to remand the case to state court. *Id.*, Dkt. 14. The pending remand motion is now fully briefed, and both parties request oral argument. *Id.*, Dkt. 28–30. The request is granted; argument is hereby scheduled for October 8, 2015, at 2 p.m.

On September 25, 2015, Whole Foods filed similar motions to dismiss in the *John* and *Bassolino* actions, 15 Civ. 5838, Dkt. 16; 15 Civ. 6046, Dkt. 24. Bassolino requests that briefing for the Whole Foods’ motion to dismiss be stayed, pending the resolution of his remand motion. The Court grants Bassolino’s request, in the interest of first ascertaining whether the Court has jurisdiction over the *Bassolino* action before resolving the dispositive motion. Further, because the Court expects that, if the Court has jurisdiction over the *Bassolino* action, the *John* and *Bassolino* actions will be consolidated, the Court also stays the briefing schedule for Whole Foods’ motion to dismiss in the *John* action, pending the resolution of the remand motion in *Bassolino*.

The Clerk of Court is directed to terminate the motions pending at docket numbers 28 through 31 in the *Bassolino* action and at docket number 7 in the *John* action.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: October 2, 2015
New York, New York